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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|----------------------|------------------|
| 10/816,900 | 04/05/2004 | Eckard Weber | 2009.0010006/RWE/RAS | 2634 |

26111 7590 05/23/2007
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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| EXAMINER |
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WINSTON, RANDALL O

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| ART UNIT | PAPER NUMBER |
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1655

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| MAIL DATE | DELIVERY MODE |
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05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/816,900

Applicant(s)

WEBER ET AL.

Examiner

Randall Winston

Art Unit

1655

All participants (applicant, applicant's representative, PTO personnel):

(1) Randall Winston.(3) Robert A. Schwartzman, Ph.D.(2) Jon Weber.

(4) ____.

Date of Interview: 22 May 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: ____.

Claim(s) discussed: 33-44.

Identification of prior art discussed: NO.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: There was not an agreement reached between Applicant's representative, Robert Schwartzman and Examiners Weber and Winston because claims 33-44 stands rejected under 35 U.S.C. 102(e) for the reasons set forth in Examiner's final rejection on 02/15/2007. During the interview, Examiners reiterated to Applicant's representative that the quantity and/or mass (i.e. 0.0018mg and about 0.45mg) of a well known pure compound claimed as a composition is not given patentable weight by Examiner because quantity and/or mass is an extrinsic property. Only intrinsic properties of a well known pure compound claimed as a composition (i.e. intrinsic properties such as concentration and color that have to do with the substance of the compound) are given patentable weight by the Examiner.